

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

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PAN AMERICAN AIRWAYS CORP.,)	
)	
Plaintiff/Counter-Defendant)	
)	
v.)	Case No. 04-CV-10515 JLT
)	
ROBERT E. BARNES)	
)	
Defendant/Counter-Plaintiff)	
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**PLAINTIFF/COUNTER-DEFENDANT'S
MOTION TO DISMISS COUNT IV OF
DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIMS**

ORAL ARGUMENT REQUESTED

Upon the Statement of Reasons in Support of this Motion, and all papers and proceedings previously had herein, and pursuant to Rules 7(b) and 12(b)(6) of the Federal Rules of Civil Procedure and Rule 7.1 of the Rules of this Court, the plaintiff/counter-defendant Pan American Airways Corporation hereby moves this Court to dismiss Count IV of defendant/counter-plaintiff's counterclaim for failure to state a cause of action. Pursuant to Rule 7.1(A)(2) of the Rules of this Court, counsel hereby certifies that he and counsel for the defendant/counter-plaintiff have conferred and attempted in good faith to resolve or narrow the issues presented by this motion, but without success.

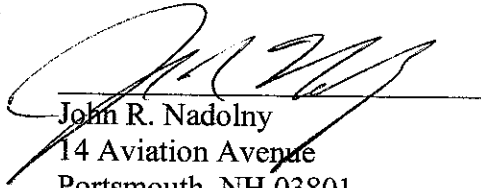
Pursuant to Rule 7.1(D) of the Rules of this Court, the plaintiffs/counter-defendants hereby request oral argument of this motion.

Respectfully submitted,

Pan American Airways Corp.

By its attorney.

Dated May 25, 2004



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